### **RESOLUTION R-24-06**

A RESOLUTION OF THE CITY COMMISISON OF THE CITY OF EAGLE LAKE, FLORIDA, DECLARING THE PUBLIC PURPOSE AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY FOR WATER SYSTEM IMPROVEMENTS AND AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS.

- WHEREAS, the City of Eagle Lake is in the process of planning for water system improvements, and needs to acquire certain real property in order to make such improvements; and
- **WHEREAS,** certain property owners have not responded to the City's offer to purchase the property; and
- WHEREAS, per chapter 73, Florida Statutes, the City of Eagle Lake is authorized to exercise the power of eminent domain for certain public uses and purposes; and
- **WHEREAS,** the City's exercise of the power to condemn real property is for the purpose of the construction of water system improvements; and
- **NOW THEREFORE, BE IT RESOLVED**, by the City Commission of the City of Eagle Lake, Florida, as follows:
- **Section 1.** Findings. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.
- **Section 2.** <u>Declaration of Necessity.</u> The City declares the public purpose and the necessity for that purpose of acquiring, through condemnation, by right of eminent domain, fee simple title and a temporary construction easement in the real property identified in the attached Exhibit "A" for the construction of water system improvements.
- **Section 3.** Acquisition of Fee Simple Title. The City is authorized to acquire, through condemnation by right of eminent domain, fee simple title and a temporary construction easement in the real property identified in the attached Exhibit "A" for the construction of water system improvements from the owner and any other persons required by law to be joined in such proceedings.
- **Section 4.** <u>Institution of Legal Proceedings.</u> The City Attorney is authorized to institute legal proceedings to acquire, through condemnation, by right of eminent domain, fee simple title and a temporary construction easement in the real property identified in the attached Exhibit "A" and is authorized to join the owners and any other persons required by law to be joined in such proceedings. The City Attorney is authorized to employ outside counsel to assist in the acquisition as necessary.

<b>Section 5.</b> To the extent there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the City Commission.							
PASSED AND ADO County, Florida, this	-		nmission of the City of Eagle Lake, Polk, 2024.				
		CITY	OF	EAGLE	LAKE,	FLORIDA	
			SUZY WILSON, MAYOR				
ATTEST:							
DAWN WRIGHT, CITY CLERK							
APPROVED AS TO FORM	:						
HEATHER R. MAXWELL							

**DESCRIPTION:** (New Parcel)

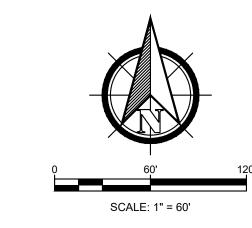
A parcel of land being a portion of the Southeast 1/4 of the Northwest 1/4 of Section 17, Township 29 South, Range 26 East, Polk County, Florida, being described as follows:

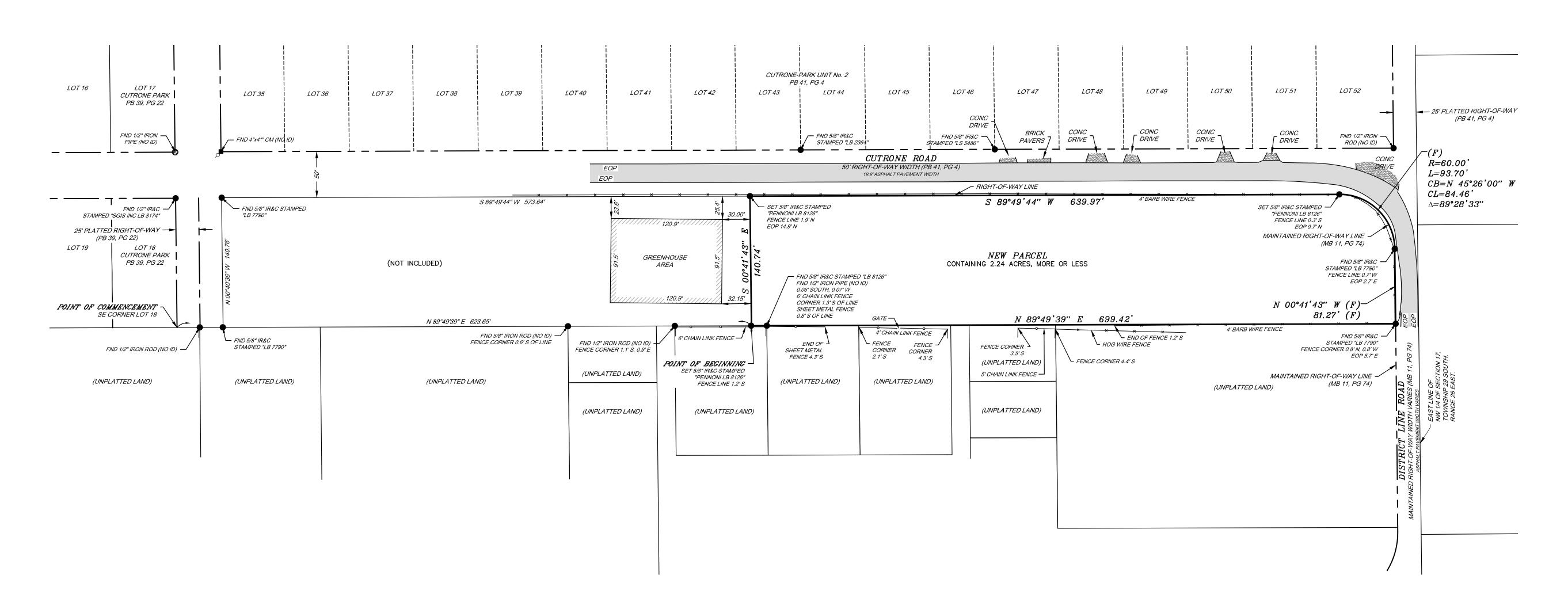
Commencing at the southeast corner of Lot 18, CUTRONE PARK SUBDIVISION, Plat Book 39, Page 22, Public Records of Polk County, Florida; thence North 89°49'39" East, 623.65 feet to the POINT OF BEGINNING; thence continue North 89°49'39" East, 699.42 feet to the westerly maintained right-of-way line of District Line Road, as recorded in Map Book 11, Page 74, Public Records of Polk County, Florida; thence along said westerly maintained right-of-way line for the following two (2) courses; (1) thence North 00°41'43" West, 81.27 feet to the point of curvature of a curve to the left having a radius of 60.00 feet, a central angle of 89°28'33", a chord bearing of North 45°26'00" West, and a chord distance of 84.46 feet; (2) thence Northwesterly along the arc of said curve 93.70 feet to the south right-of-way line of Cutrone Road, as shown on the plat of CUTRONE-PARK UNIT No. 2, Plat Book 41, Page 4, Public Records of Polk County, Florida; thence South 89°49'44" West, along said south right-of-way line, 639.97 feet; thence South 00°41'43" East, 140.75 feet to the POINT OF BEGINNING.

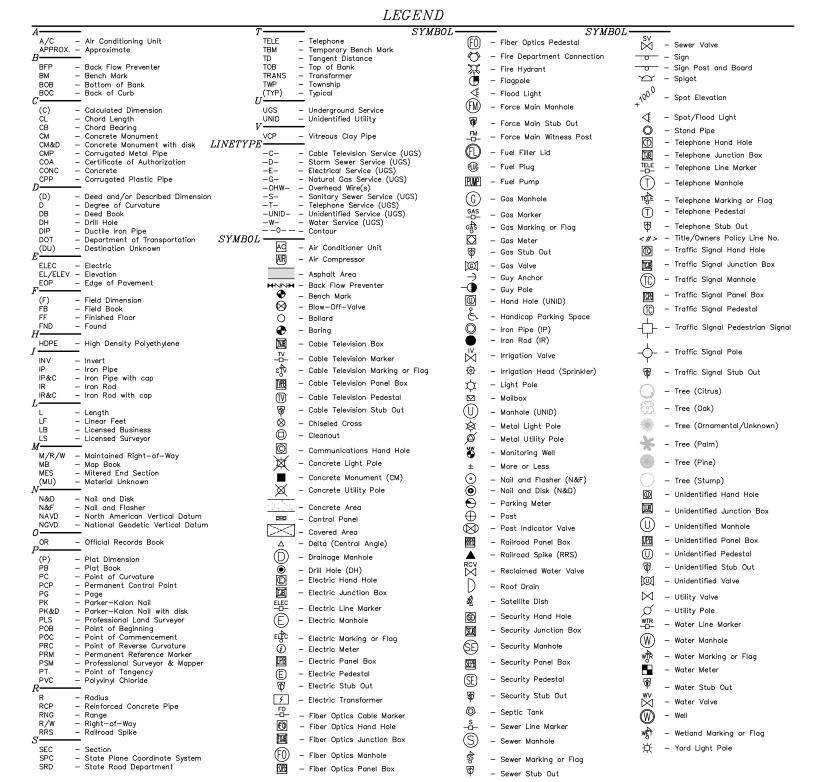
Said parcel containing 2.24 acres, more or less.

# BOUNDARY SURVEY

SECTION 17, TOWNSHIP 29 SOUTH, RANGE 26 EAST POLK COUNTY, FLORIDA







# Eagle Lake SOUTH SHORE TERRACES LAKE MCLEOD POINTE REGION Lake McLeod SUBJECT SOMBER RESIDEN SUBJECT SOMBER RED SOUTH SHORE SOUTH

MADERA PARK

**PARCEL** 

VICINITY MAP

## SURVEY NOTES:

- 1) Bearings based on the State of Florida, State Plane Coordinate System, North American Datum of 1983 (NAD 83), adjustment 1990, West Zone, the southerly right—of—way line of Cutrone Road being North 89°49'44" East.
- 2) The property shown herein lies in Zone "X", as shown on Flood Insurance Rate Map No. 12105C0530G, Community Panel Number 120261 0530 G, effective 12/22/2016, in Polk County, Florida, as prepared by the Federal Emergency Management Agency.
- The above statement is for information only, and the undersigned assumes no liability for the correctness of the information in the cited map. In addition, the above statement does not represent this surveyor's opinion of the probability of flooding.
- 3) This survey was performed without the benefit of an abstract or title opinion. Therefore, it is subject to easements, restrictions, rights—of—way, encumbrances of record and of use, and other matters of title that may be found by a complete abstract or title opinion.
- 4) Underground improvements, if any, have not been located.
- 5) This description was prepared utilizing the last deed of record of the parent tract recorded as Instrument #2019059149 in Official Records Book 10787, Pages 1907 through 1908 of the Public Records of Polk County, Florida.

## DESCRIPTION: (New Parcel)

A parcel of land being a portion of the Southeast 1/4 of the Northwest 1/4 of Section 17, Township 29 South, Range 26 East, Polk County, Florida, being described as follows:

Commencing at the southeast corner of Lot 18, CUTRONE PARK SUBDIVISION, Plat Book 39, Page 22, Public Records of Polk County, Florida; thence North 89'49'39" East, 623.65 feet to the POINT OF BEGINNING; thence continue North 89'49'39" East, 699.42 feet to the westerly maintained right—of—way line of District Line Road, as recorded in Map Book 11, Page 74, Public Records of Polk County, Florida; thence along said westerly maintained right—of—way line for the following two (2) courses; (1) thence North 00'41'43" West, 81.27 feet to the point of curvature of a curve to the left having a radius of 60.00 feet, a central angle of 89'28'33", a chord bearing of North 45'26'00" West, and a chord distance of 84.46 feet; (2) thence Northwesterly along the arc of said curve 93.70 feet to the south right—of—way line of Cutrone Road, as shown on the plat of CUTRONE—PARK UNIT No. 2, Plat Book 41, Page 4, Public Records of Polk County, Florida; thence South 89'49'44" West, along said south right—of—way line, 639.97 feet; thence South 00'41'43" East, 140.75 feet to the POINT OF BEGINNING.

Said parcel containing 2.24 acres, more or less.

Pennoni

PENNONI ASSOCIAT
401 Third Street S
Winter Haven, FL 33
T 863.324.1112 F 863.

cument are not considered signed and sealed.
erified on any electronic copies. Printed copies t valid without the original signature and seal eyor and mapper.

PSM
S6113
INC.
38126

ELIZABETH K. MERTA, PSM Florida License No. LS6113 PENNONI ASSOCIATES INC. Florida License No. LB8126 Date of Survey: January 30, 202

OUNDARY SURVEY
CITY OF EAGLE LAKE

PROJECT

WELL

AD

RO/

RELOCATE WEST BOUNDARY LINE, MODIFY LEGAL 02/13/2024 LSS
REVISIONS DATE BY

ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES

 PROJECT
 ELAKX24002

 DATE
 2024/02/12

 DRAWING SCALE
 1" = 20'

 DRAWN BY
 LSS

V-0201-2

SHEET 1 OF 1

APPROVED BY